

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

TIMOTHY GARDNER, et al.,

Plaintiffs,

v.

CV 2:24-011

STEPHEN JESSUP, individually
and in official capacity as
Sheriff of McIntosh County,

Defendant.

ORDER

Plaintiffs initiated this civil action on January 19, 2024. Dkt. No. 1. On March 19, 2024, Defendant moved to dismiss Plaintiffs' complaint. Dkt. No. 6. On April 2, 2024, Plaintiffs filed an amended complaint, dkt. no. 10, which mooted the motion to dismiss, dkt. no. 12. Defendant renewed his motion to dismiss on April 16, 2024. Dkt. No. 13. Then, on April 30, 2024, Plaintiff John Doe filed a motion to plead anonymously. Dkt. No. 16. On June 5, 2024, the Court denied that motion and ordered Plaintiffs to file a second amended complaint with Doe's full name. Dkt. No. 27. For the reasons below, Defendant's motion to dismiss is **DENIED as moot.**

LEGAL STANDARD

An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").


DISCUSSION

Plaintiffs' second amended complaint supersedes their first amended complaint. Defendant's motion to dismiss the amended complaint, dkt. no. 13, has thus been rendered moot by Plaintiffs' filing of their second amended complaint. Should Defendant wish to renew his motion to dismiss with regard to the second amended complaint, he is granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

CONCLUSION

Defendant's motion to dismiss the amended complaint, dkt. no. 13, is **DENIED as moot**.

SO ORDERED, this 13th day of June, 2024.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA